G R. S App [illegible] IX-4]

1943 -

File No 111-43

Previous References

([illegible])

Serial Nos 12, 18

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos two

Part B for Dec 43

SUBJECT

petition from Mr T H Basappa and other members of the Hosadurga Mal el making certain allegations against the President of the Mal Local Board in connection with the distribution of the plague

To,

~~Hon~~ Mr Srinivasekhara Rao,
Advocate for the Appellant

R 1997 dt 16 & 42

Informs that Govt cannot interfere in the matter

9-43

HOSADURGA
Dated 20th June 1943

To

The Minister for Local Self Government to the
Government of Mysore
BANGALORE

Sir,

We the undersigned members of the Municipal Council, Hosadurga beg to approach you with the following representation and suitable action thereon

You are aware that our Municipality is having a nominated President for the last 2 years and one Mr Bhoopalam Nanjundaiah has been nominated as the President It was decided in the Municipal Council Meeting to hold the sale of certain sites belonging to our Municipality and accordingly the sale was held on 16-3-1943 Later, when the Municipal Council met on 28-3-1943, two gentlemen put in applications for setting aside the previous sale on the grounds of bid being low and offering high bids The Municipal Council unanimously resolved to hold resale in case the applicants deposited the entire bid amount The applicants duly applied for the resale and the President ordered the resale of the same, to take place on 13-4-1943

But later, he seems to have changed his mind and has had recourse to some other method by which he not only did not hold the sale, but also granted the Sale Certificate to the former purchaser The said former purchaser is also one of the Municipal Councillers and he too had agreed for resale of the same with higher bid We do not know what happened later and both seem to have polluded and made some false report to the Deputy Commissioner

P T,

and got the original order confirmed By these means the total loss is not less than Rs 400/- while the sights were sold for Rs 725/- formerly whereas the present offer is Rs 1,125/- The President has thus caused a heavy loss to the Municipality and also has acted illegaly As you are aware, Sir that no sale of any property belonging to a Municipality can be confirmed without bringing it to the notice of the Municipal Council and the Municipal Regulation prohibits such an action For our President there is no law which prohibits from doing what he likes and that has been his attitude throughout his regime as Municipal President If you are kind enough to go through several proceedings of the Municipality you will find not one but 10 or 20 such irregulatities With this gentleman as our President it seems for us impossible to get on smoothly in the Municipality and to work for the welfare of the General Public Having brought all these things to your kind notice we request you to direct the President to cancell the previous sale and these two sites and order the resale of the property in a proper manner

Hoping that this request of ours will be duly complied with

We remain Sir
Your most obedient Servants

HKH

D S Narayanaswamy

T N Nagesa Setty

T N Basappa

E Jakanna

Copy to --

The Deputy Commissioner Chitaldroog District
Chitaldroog

TYPING SECTION
25 JUNE 1943
GEN & CTTL

Allegations of anti-Semitism — Hasenclever — 7795

Continuation Sheet — File No / Current No — of 42 — Page 212

[illegible] letter dated [illegible] 1943, [illegible] the records [illegible] report.

[illegible] the petition of the complainant [illegible] in pursuance of [illegible] the Green [illegible] by the W.D.C., it is [illegible] by any reason is called for on the allegations [illegible] Assistant Secretary orders on the petition [illegible] Hasenclever is a naturalized [illegible] at present [illegible] a naturalized [illegible] Present [illegible]

A petition was received from [illegible] of the committee connected [illegible] alleging that the President has disposed [illegible] Lits at grossly [illegible] prices in an unlawful manner. A report [illegible] petition was called for from the D.C. as directed by the Assistant Secretary of War.

The D.C.'s report is [illegible] The circumstances [illegible] the resale of the lots, in question was not considered [illegible] the legal opinion rendered therein. The [illegible] Mr. Wallace seems to have agreed [illegible] the President that the original sale was [illegible] valid, and that no resale [illegible] necessary.

In view of the above report, no [illegible] action is called for. The papers will be returned to the D.C. [illegible] and an endorsement issued to the petitioner

Continuation Sheet | File No / Current No | of | Page

to the effect that Govt have perused the records connected with the sale of the site in question & that there are no grounds to entertain the writ petition

Respondent Supreme Law Dept for

As the sale was held regularly & they cannot be set aside merely because offers higher than the sale price were received

SECY LAW DEPT 493 '43 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L S G & P H Dy No 3779

Dy No 8116

1 From Mr S Sidda Ramiah Setty, Hosadunga
Petn dt 27-7-63 praying that the order
of the D C confirming the sale of site No 1/986 in the Hosadunga Mkt
in favour of the original purchaser Mr H N Siddaiah
may be set aside for the reasons stated
and the site resold as resolved by the Mnl Council

1(a) Petn dt 30-7-63 from Mr Thimmanna
Hosadunga praying that the order of the
D C Chitradurga confirming the sale of
site No 2/986 in favour of Mr H N Siddaiah
may be set aside for the reasons stated
and that the site may be ordered to be resold
as resolved by the Hosadunga Mnl Council
in their meeting held on 28/3/63

(b) Ruled with a draft. Call for a report
for orders

Feb 4/18 (c) 17/ There is a file on the subject in
which the D C Chitradurg has called a
detailed report on the matter. It was in
connection with an allegation against the removal
from Presidentship of the above Mkt. The file is
enclosed with the minutes order for a perusal
two days back. Pl put it up for
ultimo

18/ Filed with the main file. May the petitions
be endorsed that Govt does not
want to interfere in the matter. The
petitions are the same as they

Ref No 212

6

Continuation Sheet

File No / Current No L 811/1 Vol III of Vol III-43 Page 18

Nos. 986/1, 986/2, 987. Replies M

5/8/43 Three petitions dated 30th April 1943 have been subsequently received from Messrs. M.P. Umashekharam for messrs. Mr. Thimmama & 5 others praying that the facts in question may be recalled for reasons given therein for orders whether the Govt. referred to therein require reconsideration, in view of the report made by the Chittoor Dist. or whether an endorsement may be issued to the effect that Govt. cannot intervene in the matter as the petitions are for personal reasons

Lawley 9/8/43

End: may issue as in orders already passed

MES 10-8-43

DSP please

A 10/8/43

DSP Send to the Advocate as asked. This covers the cases of both the petitioners

Jeeva 11/8/43

MES 11-8-43 Jal

Sent to the M.P. Umashekharam Rao Advocate No L 1998 By 11 8 43

Informs him that Govt cannot intervene in the matter

To the Dt. Collector Chittoor Dr No L 1998 By

Encl Copy of the above with records

96 C

91 E

P V D

SECY LAW DEPT 13/8 9/8/43 COLT O MOORE

TYPING SECT 11 AUG 1943 GEN & REFL CTT

WD 0972—GPB—10 000—21-10-42

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 3-6-16

Signed by

List of enclosures

Copied by

Examined by

Section M

File No

Serial No

No L/21766

To

The Dy Comm, Chittagong

Sir,

I am directed to forward herewith a copy of petition dt 20.6.1943, received from Messrs T & H Dasappa & Other Members of the Hosadurga Town Municipal Council addressed to the Minister for A & H making certain allegations & against the President of the Municipal Council & to request you to submit a report on the allegations therein very early.

I am etc

for Secy

25/6

WD 04161—GPS—60 000—24 10 41

C.F No 451

212

GOVERNMENT OF MYSORE

T | g m / ph

No A6 6/43-44
Encls 1 file & 2 petitions

OFFICE OF
The Deputy Commissioner,
Chitaldrug District,
Chitaldrug.

8 JULY 1943

Date 6th July 1943

To

C Narayanaswami Naidu, Esquire, B A ,B L ,
Secretary to Government, Law Department,
Bangalore

Sir

Adverting to your letter No L 12766 dated the 30th ultimo forwarding a copy of petition dated 20th June 1943 from Mr T H Dasappa and other members of the Hosadurga Municipal Council making certain allegations against the President of the Municipal Council in regard to the disposal of certain municipal sites, I have the honour to state that two sites in the Town were sold by public auction and one Mr Hanji Siddappa purchased both the sites one for Rs 325/- and another for Rs 400/- Subsequent to the sale, petitions were received by the Presidert offering Rs 25/- over the above bids ard the petitioners also deposited Rs 100/- and 110/- for a resale At the meeting of the Municipal Council held on 28-3-1943, it was resolved that persons who had offered higher bids should deposit the ertire amount of their bids for a resale which they did After getting the full amount deposited, the President reported to this office that the sale had been properly conducted and that the petitiorers who had offered higher bids were present at the time of the sale already held ard that though opportunities were given they did not offer higher bias and that therefore the bids already secured may be accepted and recommended the confirmation of the sale

It is seen from the sale lists that one of the petitioners viz Mr S Siddaramiah Setty was present at the sale but did not offer any higher amount The other petitioner viz , Mr L Thimmanna states that he was absent on the date of sale and therefore prayed for a resale

The President in his report to this office stated that it was not desirable to hold a resale setting aside a sale regularly held, merely on the ground that a higher bid with a small increase of Rs 25/- in respect of each site was offered Considering all these facts, my predecessor in office, Mr R P Mallappa held that there was no reason to hold a resale as the original sale had been held regularly

The entire file of records ending with Hosadurga Municipal President's report No C 288/42-43 dated the 28th June 1943 along with the petitions of Messrs L Thimmiah and S Siddaramiah Setty filed in this office are herewith submitted for favour of perusal

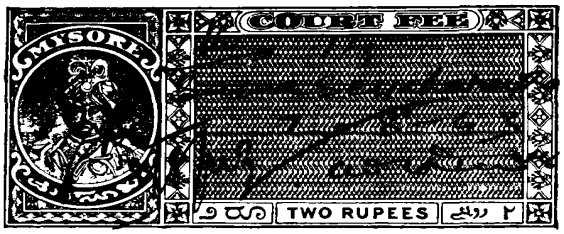
I have the honour to be,

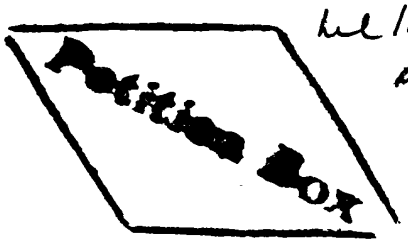
Sir,

Your most obedient servant,

Deputy Commissioner,
Chitaldrug District

mns





Rc III-43-12 10
SECY L

TO THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

MUNICIPAL MIS APPEAL PETITION NO 43-44.

Petitioner -		Respondent -
S Siddaramiah Setty, Merchant, Hosadurga	VERSUS	H N Siddappa, Merchant & Municipal Councillor, Hosadurga

Under Section 34 of the Minor Municipalities Act, the Petitioner begs to state as follows -

1 On 16-3-1943, certain building sites in Hosadurga Municipality were auctioned by the Municipal authorities in pursuance of a resolution of the Municipal Council the sale at the said auction was subject to confirmation by the Municipal Council

2 At the said auction one Mr H N Siddappa was the highest bidder for site No 1/986 his bid being Rs 525/-

3 On 23-3-1943 the Petitioner made an application to the Municipal Council of Hosadurga depositing Rs 100/- and praying that the sale in respect of site No 1/986 may not be confirmed as the amount of the highest bid was too low and offering to purchase the site for not less than R 400/- Mr K Thimmanna of Hosadurga made a similar application in respect of site No 2/986 The Petitioner raised his offer to 500/- later on, after the resolution of the Municipal Council dated 28-3-43

4 Both these applications were placed before the Municipal Council of Hosadurga at its meeting held on 28-3-1943 at which the question of confirmation of the auction sale held on 16-3-1943 came up for consideration

5 At the said meeting of the Municipal Council, it was unanimously resolved that the site be resold treating the Petitioner's offer as the initial bid provided the Petitioner deposited the full amount of his bid Mr H N Siddappa the highest bidder for site No 1/986 who is one of the Municipal Councillors was present at the said meeting and gave his consent to the said resolution and resale in accordance therewith

6 The above resolution was communicated to the Petitioner by the President and he was called upon to deposit the full amount of his offer within a week and on 30-3-1943 the Petitioner deposited Rs.300/- in the Municipal Office, thus making up R 400/- in all

7 The Petitioner has come to learn that thereafter the President of the said Municipality ordered the resale to be held on 13-4-1943 but he did not issue any proclamation or any notice to the Petitioner of the intended resale and no sale was held

8 The Petitioner made an application on 30-3-1943 to the Municipal Council inquiring when the resale would be held He received no reply and his application for copies of certain relevant documents was fruitless

9 The Petitioner subsequently heard that the President of the Council had cancelled his order for resale further inquiry disclosed that the auction purchaser had filed an appeal to the Deputy Commissioner of Chitaldrug who had passed an order confirming the sale held on 16-3-1943

p t o

16-3-1943 notwithstanding the resolution of the Municipal Council dated 28- -1943 cancelling it and directing resale and that a sale deed had been issued by the President to the purchaser without even bringing the above facts to the notice of the Municipal Council Immediately after he learnt of the above facts, the Petitioner applied for the necessary copies and got the copy of the order of the Deputy Commissioner on 1-7-1943

10 The Petitioner prays that the Government be pleased to set aside the said order and direct resale of the site in accordance with the resolution of the Nosadurga Municipal Council dated 28-3-1943 and submits the following grounds :-

(a) The Deputy Commissioner had no valid grounds for setting aside the resolution of the Municipal Council dated 28-3-1943 cancelling the sale held on 16-3-1943 and directing a resale

(b) The order of the Deputy Commissioner is in no way justified inasmuch as the proceedings and resolutions of the Municipal Council above referred to could not be said to be not in conformity with the provisions of the Minor Municipal Act or any other law or order in force and consequently the Deputy Commissioner had no authority to alter or amend the said resolution under Section 30 of the Act

(c) The Deputy Commissioner has lost sight of the fact that the sale of sites held on 16-3-1943 was according to the proclamation of sale expressly made subject to the approval of the Municipal Council and that consequently the resolution of the Council which in effect declined to approve of the sale was quite in order and in conformity with law and was therefore not liable to be set aside under Section 30

(d) The Deputy Commissioner has overlooked the fact that the resolution of the Municipal Council cancelling the sale in question was passed with the full consent of the purchaser as is clear from the proceedings of the Municipal Council and that consequently the said purchaser was estopped from questioning the said resolution

(e) The President of the Municipal Council had no power or authority to grant a sale certificate without reference to the Municipal Council

(f) The order of the Deputy Commissioner confirming the sale and cancelling the resolution of the Municipal Council will result in great loss to the Municipal Council besides causing prejudice to the petitioner who in compliance with the resolution has already deposited a large sum as representing his initial bid

For the foregoing ressons, it is prayed that the order of the Deputy Commissioner be set aside and resale of site be ordered to be held as resolved by the Municipal Council of Nosadurga on 28-3-1943

Bangalore City
Dated 27-7-1943

M/s Somasekhara Rao
ADVOCATE FOR PETITIONER

Subject - [illegible]

[illegible] No 288/42-43 dt 31-3-43 [illegible]

[illegible]

Memo

A 6 L Dis No 2917/42-43

The recommendation of the President is approved there are no sufficient grounds to hold a resale, as the original sale has been held regularly

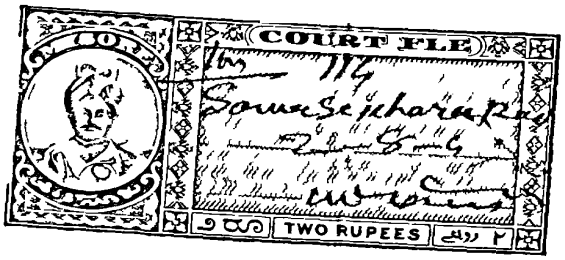
(Sd) K S Krishnamoorthy
For Deputy Commissioner
Chittaldrug District
D 19-4-43

Copy

K K Subramanya Iyer
AS District Shirastedar
Deputy Commissioner's office
Chitaldrug District

12

Date of application – 1-7-43
Date on which the copy was ready – 1-7-43
Date of delivery – 1-7-43
No. of words – 25 (twenty-five)
Copying fees – 0-2-0
Comparing fees – 0-0-6
~~Comparing fees~~ –
~~Collected fees~~ Rs.
Copied by – P.N. Venkata Rao.
Compared by – Srinivasa Rao



IC, 1944

Before the Government of H.H. the Maharaja of Mysore

IN THE COURT OF

M/A OSC No of 194 4

Plaintiff / Petitioner / Appellant	S Siddaramayya Setty	Vs	Defendant / Opponent / Respondent Honnadurga Municipality

I/We The Petitioner do hereby appoint Messrs M P Somashekhara Rau BA LLB and M P Krishnaswamy BA LLB my/our Advocates and authorise them to appear and act for me/us in the aforesaid case to present pleadings applications or petitions therein to the Court on my/our behalf to receive documents and any money from the Court or from the opposite party either in execution proceedings or otherwise and to grant receipts and discharges for the same to enter into compromise on my/our behalf and to do all other acts and things as effectually as I/we could do if personally present And whatsoever the said Advocates shall do in connection with the said case I/we do hereby agree to ratify and confirm

BANGALORE CITY

Date 194

S Siddaramaiah Setty

Accepted

M P Somashekhara Rau

I hereby certify that the above signatures were affixed before me by the signatory/ies whom I personally know

M P Somashekhara Rau

M P Krishnaswamy

COURT FEE TWO RUPEES

Petitioner -
M. Trimmanna
Merchant Nosadurga

Vs

Respondent -
H. P. Siddappa, Merchant & Municipal Councillor, Nosadurga

Under section 64 of the Minor Municipalities Act, the Petitioner begs to state as follows -

1. On 26-5-1945, certain outstanding sites in Nosadurga Municipality were auctioned by the Municipal authorities in pursuance of a resolution of the Municipal Council. The sale at the said auction was subject to confirmation by the Municipal Council.

2. At the said auction one H. P. Siddappa a Municipal Councillor was the highest bidder for site No. 2/980 his bid being Rs. 400/-.

3. On 23-6-1945 the petitioner made an application to the Municipal Council of Nosadurga depositing Rs. 500/- and praying that the sale in respect of site No. 2/980 may not be confirmed as the amount of the highest bid was too low and offering to purchase the site for not less than Rs. 450/-. S. Siddalingaiah Setty of Nosadurga made a similar application in respect of site No. 1/980. The petitioner raised his offer to Rs. 505/- subsequent to the resolution of the Municipal Council dated 28-6-1945 as hereto to below.

4. Both these applications were placed before the Municipal Council of Nosadurga at its meeting held on 28-6-1945 at which for the question of confirmation of the auction sale held on 26-6-1945 came up for consideration.

5. At the said meeting of the Municipal Council it was unanimously resolved that the sale be rescinded treating the petitioner's offer as the initial bid. Believing the petitioner deposited the full amount of his bid. Mr. H. P. Siddappa the highest bidder for site which is one of the Municipal Councillors was present at the said meeting and gave his consent to the said resolution and acted in accordance therewith.

6. The above resolution was communicated to the petitioner by the President and he was called upon to deposit the full amount in his office within a week and the petitioner complied with the said condition.

7. The petitioner has come to learn that thereafter the President of the said Municipality ordered the resale to be held on 15-4-1945. But he did not issue any proclamation or any notice to the petitioner of the intended resale and no sale was held.

8. The petitioner made a representation on 30-4-1945 to the Municipal Council inquiring when the resale was to be held. He received no reply and his application for copies of certain relevant documents was fruitless.

9. The petitioner subsequently learnt that the

P.T.O.

16

the President of the Co rcal ta car ellea rle order to resale ... further inquiry di clo ed that the action purchaser had filed an a peal t the Deputy Comm ssi r er of Cl talulu ... ro had passed an order confirming the sale held on 16-5- 945 notwithstanding the re olution of the Municipal Council dated 28-5-1945 cancelling it and directing resale and that a sale deed had been issued by the Presi ent to the purchaser without ever bringing the above facts t ... he notice of the Municipal Council Immediately after he learnt of the ab ve facts, the Petitioner applied for the necessary copies and got the copy of the order of the De uty Commissioner on -7-1945

10 The Petitioner prays that the Government be pleased to set aside the said order and direct resale of the site in accordance with the resolution of the Rosadurga Municipal Council dated 28- -1945 and submits the following grounds -

(a) The Deputy Commissioner had no valid grounds for setting aside the resolution of the Municipal Council dated 28- -1945 cancelling the sale held on 16- -1945 and directing a re-sale

(b) The order of the Deputy Commissioner is in no way justified inasmuch as the proceedings and resolutions of the Municipal Council above referred to could not be said to be not in conformity with the provisions of the Mysore Municipalities Act or in other law or order in force and consequently the Deputy Commissioner had no authority to alter or amend the said resolution under Section 56 of the Act

(c) The Deputy Commissioner has lost of the fact that the sale of sites held on 16-5-1945 was according to the proclamation of sale expressly made subject to the approval of the Municipal Council and that consequently the resolution of the Council which in effect declined to approve of the sale was quite in order and in conformity with law and was therefore not liable to be set aside under Section 56

(d) The Deputy Commissioner has overlooked the fact that the resolution of the Municipal Council cancelling the sale in question was passed with the full consent of the purchaser as is clear from the proceedings of the Municipal Council and that consequently the said purchaser was estopped from questioning the said resolution

(e) The President of the Municipal Council had no power or authority to grant a sale certificate without reference to the Municipal Council

(f) The order of the Deputy Commissioner confirming the sale and cancelling the resolution of the Municipal Council will result in great loss to the Municipal Council besides causing prejudice to the Petitioner who in compliance with the resolution has already deposited a large sum as representing his initial bid

For the foregoing reasons, it is prayed that the order of the Deputy Commissioner be set aside and re-sale of site be ordered to be held as resolved by the Municipal Council of Rosadurga on 28-5-1945

M. Srinivasachar

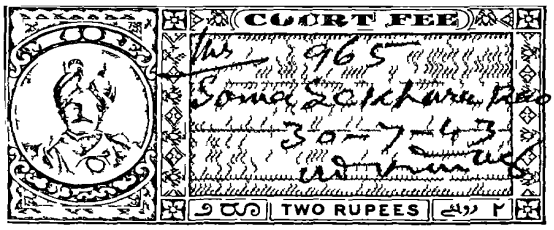
ADVOCATE FOR PETITIONER

Bangalore City

Dated 30-7-1945

Appendix F G —11

17



IN THE COURT OF

OSC No of 194 4

Plaintiff / Petitioner / Appellant M Thimmaiah Vs *Defendant / Opponent / Respondent*

I/We Appellant do hereby appoint Messrs M P Somasekhara Rau B A LL B and M P Krishnaswamy B A LL B my/our Advocates and authorise them to appear and act for me/us in the aforesaid case to present pleadings applications or petitions therein to the Court on my/our behalf to receive documents and any money from the Court or from the opposite party either in execution proceedings or otherwise and to grant receipts and discharges for the same to enter into compromise on my/our behalf and to do all other acts and things as effectually as I/we could do if personally present And whatsoever the said Advocates shall do in connection with the said case I/we do hereby agree to ratify and confirm

BANGALORE CITY

Date 194

M Thimmaiah

Accepted,

I hereby certify that the above signatures were affixed before me by the signatory/ies whom I personally know

Bangalore City

Dated 30-7-1945

M P Somashekara

ADVOCATE & PETITIONER

Appendix F G—1]

SUBJECT

Section ml
File No 111-43
Serial No 18

Diary No of letter replied to

No L1997

To

M/s Somasekhara Rao Esq Advt
Advocate Gandhinagar
Bangalore-9.

General and Revenue Secretariat

( )

the *194*

Date of issue 16/8

Signed by

With reference to the appeal petitions dated 30th July 1943 and 2nd August 1943 presented on behalf of Messrs Thimmaiah and S. Siddaramaiah Setty Merchants of Hosdurga, praying for cancellation of the Deputy Commissioner's order confirming the sale of Sales Nos 1/1986 & 2/1986 in Hosdurga town held on Public Auction by the Amildar

List of enclosures

Copied by

Examined by

WD 04161—GPB—60 000—24 10 41

Local 19

In Municipal Council on 16th March 1943, Mr M.P. Somasekhara Rao, BA BL Advocate for the appellants was informed that Govt cannot interfere in the matter

By order
[signature] 11/8/43
For Secy to Govt
Law Depts

L 1998 dt 16/8

Copy of the above is forwarded w/c to the Dy Commr, Chitty Dr with reference to his letter No A6 6/43-44 dated 6th July 1943
The records received with the above are herewith returned

By O.
[signature]
for Lawley